

## REMARKS

The present amendment is submitted in response to the Office Action dated July 28, 2008, which set a three-month period for response, making this amendment due by October 28, 2008.

Claims 1-2 and 4-13 are pending in this application.

In the Office Action, it was noted that a certified copy of the German applications had not been received. Claim 5 was objected to for an informality. Claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-4 and 6-10 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,932,975 to Racz. Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Racz in view of U.S. Patent No. 2,781,191 to Pickles.

Regarding the certified copies of the noted German applications, the requested documents will be forwarded.

In the present amendment, the specification was amended to add standard headings and to delete reference to the claims.

Claim 5 was amended to address the noted objection. The remaining claims were likewise amended to address the numerous rejections under Section 112, second paragraph.

To more clearly define the invention over the cited reference to Racz, claim 1 was amended to add the features of claim 3, which was canceled. Amended claim 1 now specifically defines that *the toothed element (32) further*

*has an axial bracing face (60), wherein said toothed element is braced on an adjusting element (64) on the housing (16), wherein said adjusting element (64) presses with a predeterminable pressing force against the axial bracing face (60).*

The Examiner maintains on page 6 of the Office Action that Racz shows a toothed element 14 with an axial bracing face 18, by way of which the rotor shaft 30 is braced on the housing, in particular, on an adjusting element. As the adjusting element, the Examiner cites to element 15 of Racz, noting that element 15 is “capable of being adjusted”.

The Applicant respectfully disagrees. In column 2, lines 42-44, Racz discloses that “housing 10 includes wall portions 15 and 16 and bottom wall portion 17 defining a damping chamber 19”. Element 15 is therefore a “wall portion” of the housing, NOT an adjusting element on the housing. The Applicant is not clear where in Racz it is disclosed that this wall 15 is “adjustable”.

Fig. 3 shows the “wall portion” on the fixed housing designated as 15 and 17, as well as the cross section of the holes 41. The distinct advantages of the adjusting element 64 are that the longitudinal play of the shaft can be eliminated upon assembly and that the axial stop can be readjusted after wear of the contact surfaces occurs.

Further, Racz does not disclose that an adjusting element (or “wall 15”) presses with a predeterminable pressing force against an axial bracing face.

The present application discloses in the paragraph bridging pages 4-5, in particular, in lines 3-7 of page 5, that the “adjusting element” is embodied for

instance *"as an adjusting screw 68, with a thread 69, or as a bracing element 64 with flat radial ribs that is screwed into a wall 70 of the housing 16. To that end, the adjusting element 64 has a form lock 72, which a suitable installation tool can engage from the inside"*.

Again, Racz does not disclose any such "adjusting element" in the sense of the present invention, against which the toothed element is braced.

Also in this amendment, new independent claims 11-13 have been added. New claim 11 combines the features of original claim 1 and the feature that the bore 44 is embodied as a blind bore, wherein a bottom face (46) is disposed on a lower end of the bore (44), wherein said bottom face (46) is formed as an axial bearing face (48) and rests on said at least one face end (50) of the rotor shaft (18), such that the bottom face (46) is oriented transverse to an axis of the rotor shaft (18). Support for the language of new claim 11 can be found in the specification page 4, lines 20-22 and in Fig. 1.

This structure has the distinct advantage relative to Racz that the rotor shaft rests on an expanded bottom surface 46 in the axial direction, and thus, the surface pressure in the axial direction is reduced. By the transmission of the axial forces from the rotor shaft over the face end 40 on the bottom surface 46 of the bore, the axial force can be delivered over a shorter path from the bottom surface 46 directly to the housing 16.

New claim 12 combines original claims 1 and 5. While Racz also shows a through opening of the sleeve 14, this opening has the purpose of permitting the flow-through of liquid, as described in column 1 lines 61-65. In contrast, claim 12

defines that the through opening has a ball with a bracing face 60, with which the rotor shaft 18 is brace on the housing 16. Thus, new claim 12 is not rendered obvious by the reference.

New claim 13 combines claim 1 with the features of claim 9, as well as the feature that a corresponding installation force is required only for the region (78) having the radial bump to press in the radial bumps, as disclosed on page 5, lines 20-22. The rotor shaft 18 can be guided very easily in the toothed element 32 via a wide axial region and the rotor shaft only is pressed in a lower region near the bottom surface into the toothed element. In this manner, the toothed element 32 is rotationally fixed as well as fixed with regard to the axial direction. This structure is not disclosed by Racz, since after installation of the sleeve 14, the sleeve always still has a rotary play in the rotational direction, as shown in Fig. 3 through 8. In the axial direction, the shaft 30 is not fixed in the sleeve 124, that is, not pressed in, since the shaft 30 rests on the axial bearing 24. The important advantage of the present invention is that a secure fixing is produced by pressing in of the rotor shaft 18 into the toothed element 32, so that the axial play can be accurately adjusted, whereby twisting between the toothed element and the rotor shaft is absolutely prevented.

Because amended claim 1 includes features that are not disclosed by Racz, the rejection under Section 102 cannot stand. The Applicant respectfully submits that Racz is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "a claim is anticipated only if each and every element as

set forth in the claims is found, either expressly or inherently described, in a single prior art reference", and that "the identical invention must be shown in as complete detail as is contained in the ... claim".

Withdrawal of the rejection under Section 102 is respectfully requested.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", is written over the printed name.

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